

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

AAK Investments, Inc.	
t/a Pasta Italiana	Show Cause
2623 Connecticut Ave., NW	Hearing
Retailer CR - ANC-3C	(Status)
License No. 60483	
Case #14-AUD-00120	

(Failed to Qualify as a
Restaurant, Failed to
Maintain Books and Records)

May 20, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 9:47 a.m.

3 CHAIRPERSON MILLER: The next case on
4 the calendar is Case No. 14-AUD-00120, Pasta
5 Italiana located at 2623 Connecticut Avenue,
6 N.W., License No. 60483, in ANC-3C. Good
7 morning.

8 MR. ASHRAFI: Good morning.

9 MR. ADAMS: Good morning, Madam
10 Chairman. Walter Adams representing the District
11 of Columbia.

12 CHAIRPERSON MILLER: Sir, if you would
13 identify yourself for the record?

14 MR. ASHRAFI: Yes.

15 CHAIRPERSON MILLER: Could you give us
16 your name for the record?

17 MR. ASHRAFI: My name is Ashrafi
18 Ahmed.

19 CHAIRPERSON MILLER: Okay. Are you
20 the owner?

21 MR. ASHRAFI: Yes, ma'am.

22 CHAIRPERSON MILLER: All right. I

1 just need to ask you for the record if you got
2 notice of this hearing? Did you get a notice?

3 MR. ASHRAFI: Yes.

4 CHAIRPERSON MILLER: All right. Did
5 you read it and understand it?

6 MR. ASHRAFI: I'm sorry?

7 CHAIRPERSON MILLER: Did you read the
8 notice and understand it?

9 MR. ASHRAFI: Yes.

10 CHAIRPERSON MILLER: Okay. So there
11 is no notice issue here. All right.

12 So are there any preliminary matters
13 here?

14 MR. ADAMS: There is a preliminary
15 matter.

16 CHAIRPERSON MILLER: Okay.

17 MR. ADAMS: The Board's indulgence.
18 Madam Chairman, in this case there is two charges
19 essentially stemming from an audit of this
20 establishment not being able to prove their
21 numbers, their food sales numbers and not having
22 their records on the premises or sufficient

1 records on the premises.

2 So for this case, to settle the case,
3 the District is willing to dismiss the first
4 charge, Charge 1 for -- which is failing to
5 exhibit the establishment qualifies as a
6 restaurant.

7 CHAIRPERSON MILLER: Yes.

8 MR. ADAMS: And for Charge 2 for
9 failure to keep the records on premises for a
10 period of three years, the District would or the
11 parties would proffer a settlement for \$1,500 to
12 be paid within 90 days. And obviously, if the
13 establishment fails to pay within the 90 day
14 period, the establishment would agree that the
15 license -- his license would be suspended until
16 he is able to make payment.

17 So this would be, according to our
18 count, the establishment's first primary tier
19 violation. Based upon the records I have, this
20 will be the establishment's first primary tier
21 violation.

22 CHAIRPERSON MILLER: Okay.

1 MR. ADAMS: That's all.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 So, sir, I need to ask you if you agree to the
4 Offer in Compromise as presented by Mr. Adams and
5 that is the first charge will be dismissed. The
6 second charge you will have a penalty of \$1,500
7 to be paid within 90 days. And if not paid
8 within 90 days, the license will be suspended
9 until paid.

10 Do you agree to that?

11 MR. ASHRAFI: I understand. I need a
12 little bit more time, ma'am, if it's possible,
13 please.

14 CHAIRPERSON MILLER: Okay. We don't
15 do that here. You present an agreement. So if--
16 you need to talk to Mr. Adams. Mr. Adams
17 presented to us an agreement and I'm checking to
18 see if you agree.

19 MR. ASHRAFI: I agree.

20 CHAIRPERSON MILLER: If you don't --
21 do you agree?

22 MR. ASHRAFI: Yes, I agree.

1 CHAIRPERSON MILLER: To the 90 days?

2 MR. ASHRAFI: Yes.

3 CHAIRPERSON MILLER: Okay. Any

4 questions by Board Members? Mr. Alberti?

5 MEMBER ALBERTI: Mr. Ahmed?

6 MR. ASHRAFI: Yes.

7 MEMBER ALBERTI: Mr. Ahmed, this
8 charge involved your records for calendar year

9 2013. We are now -- it's now -- we are into

10 2015. Do you currently have your records for
11 calendar year 2014 at your establishment?

12 MR. ASHRAFI: Right. I don't have
13 right now, but, yes, I have those.

14 MEMBER ALBERTI: Do you have them at
15 your restaurant?

16 MR. ASHRAFI: Yes.

17 MEMBER ALBERTI: So if someone went in
18 there today --

19 MR. ASHRAFI: Yes.

20 MEMBER ALBERTI: -- you could produce
21 your records for them?

22 MR. ASHRAFI: Yes.

1 MEMBER ALBERTI: Okay. Great. Thank
2 you for that. That's wonderful to hear. I'm
3 glad you have corrected the problem. Thank you.

4 MR. ASHRAFI: Yes.

5 CHAIRPERSON MILLER: Others? I also
6 want to ask you if you understand if you accept
7 this Offer in Compromise, \$1,500 penalty, 90
8 days, do you understand that you waive your right
9 to a hearing?

10 MR. ASHRAFI: Um-hum.

11 CHAIRPERSON MILLER: And to an appeal.
12 Okay. All right.

13 Then I would move approval of this
14 Offer in Compromise of dismissal of Charge 1 and
15 a \$1,500 penalty for Charge 2 payable within 90
16 days. If not paid within 90 days, the license
17 will be suspended until payment is made. Do I
18 have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
21 seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 6-0-0.

5 MR. ASHRAFI: Thank you.

6 MR. ADAMS: Mr. Ashrafi, Ahmed, excuse
7 me.

8 CHAIRPERSON MILLER: So that concludes
9 that case.

10 MR. ADAMS: Thank you.

11 CHAIRPERSON MILLER: All right.

12 (Whereupon, the Show Cause (Status)
13 Hearing in the above-entitled matter was
14 concluded at 9:53 a.m.)
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<hr/> A <hr/> \$1,500 4:11 5:6 7:7,15 a.m 2:2 8:14 AAK 1:6 able 3:20 4:16 above-entitled 8:13 abstaining 8:3 accept 7:6 Adams 1:21 2:9,10 3:14 3:17 4:8 5:1,4,16,16 8:6,10 agree 4:14 5:3,10,18,19 5:21,22 agreement 5:15,17 Ahmed 2:18 6:5,7 8:6 Alberti 1:17 6:4,5,7,14 6:17,20 7:1 Alcoholic 1:2,13,13 ANC-3C 1:7 2:6 appeal 7:11 approval 7:13 Ashrafi 2:8,14,17,17,21 3:3,6,9 5:11,19,22 6:2 6:6,12,16,19,22 7:4 7:10 8:5,6 audit 3:19 Ave 1:7 Avenue 2:5 aye 7:22 8:1	concludes 8:8 Connecticut 1:7 2:5 Control 1:2,13,13 corrected 7:3 count 4:18 CR 1:7 currently 6:10 <hr/> D <hr/> D.C 1:14 day 4:13 days 4:12 5:7,8 6:1 7:8 7:16,16 dismiss 4:3 dismissal 7:14 dismissed 5:5 District 1:1 2:10 4:3,10 DONALD 1:18 <hr/> E <hr/> essentially 3:19 establishment 3:20 4:5 4:13,14 6:11 establishment's 4:18 4:20 excuse 8:6 exhibit 4:5 <hr/> F <hr/> Failed 1:9,10 failing 4:4 fails 4:13 failure 4:9 favor 7:22 first 4:3,18,20 5:5 food 3:21 <hr/> G <hr/> give 2:15 glad 7:3 Good 2:6,8,9 Great 7:1 <hr/> H <hr/> hear 7:2 hearing 1:7,13 3:2 7:9 8:13 HECTOR 1:19 <hr/> I <hr/> identify 2:13 indulgence 3:17 Investments 1:6 involved 6:8 issue 3:11 Italiana 1:6 2:5 <hr/> J <hr/>	JAMES 1:19 <hr/> K <hr/> keep 4:9 <hr/> L <hr/> license 1:8 2:6 4:15,15 5:8 7:16 little 5:12 located 2:5 <hr/> M <hr/> ma'am 2:21 5:12 Madam 2:9 3:18 Maintain 1:10 matter 1:5 3:15 8:13 matters 3:12 MEETING 1:3 Member 1:17,18,18,19 1:19 6:5,7,14,17,20 7:1,19 Members 6:4 met 1:13 MIKE 1:18 Miller 1:15,17 2:3,12,15 2:19,22 3:4,7,10,16 4:7,22 5:2,14,20 6:1,3 7:5,11,20 8:2,8,11 morning 2:7,8,9 motion 7:21 8:3 move 7:13 <hr/> N <hr/> N.W 1:14 2:6 name 2:16,17 need 3:1 5:3,11,16 NICK 1:17 notice 3:2,2,8,11 numbers 3:21,21 NW 1:7 <hr/> O <hr/> OAG 1:21 obviously 4:12 Offer 5:4 7:7,14 Okay 2:19 3:10,16 4:22 5:2,14 6:3 7:1,12 opposed 8:3 owner 2:20 <hr/> P <hr/> P-R-O-C-E-E-D-I-N-G-S 2:1 paid 4:12 5:7,7,9 7:16 parties 4:11 passes 8:4 Pasta 1:6 2:4 pay 4:13	payable 7:15 payment 4:16 7:17 penalty 5:6 7:7,15 period 4:10,14 please 5:13 possible 5:12 preliminary 3:12,14 premises 3:22 4:1,9 present 1:16,20 5:15 presented 5:4,17 presiding 1:15 primary 4:18,20 problem 7:3 produce 6:20 proffer 4:11 prove 3:20 <hr/> Q <hr/> qualifies 4:5 Qualify 1:9 questions 6:4 <hr/> R <hr/> read 3:5,7 record 2:13,16 3:1 records 1:10 3:22 4:1,9 4:19 6:8,10,21 Reeves 1:14 representing 2:10 restaurant 1:10 4:6 6:15 Retailer 1:7 right 2:22 3:4,11 6:12 6:13 7:8,12 8:11 RODRIGUEZ 1:19 Room 1:14 Ruthanne 1:15,17 <hr/> S <hr/> sales 3:21 second 5:6 7:18,19 seconded 7:21 see 5:18 settle 4:2 settlement 4:11 SHORT 1:19 Show 1:6 8:12 SILVERSTEIN 1:18 sir 2:12 5:3 sorry 3:6 Status 1:7 8:12 stemming 3:19 Street 1:14 sufficient 3:22 Suite 1:14 suspended 4:15 5:8 7:17
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